Broadcasting Services (Regulation) Bill, 2024

Chapter I: Preliminary

1. Short title, commencement and applicability.-

(1) This Act may be called the Broadcasting Services (Regulation) Act, 2024.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.-

(1) In this Act, unless the context otherwise requires,-

(a) “Accessibility Guidelines” means the accessibility Guidelines specified under sub-section (1) of section 22;

(ai) "advertisement" shall have the same meaning as under the Consumer Protection Act, 2019;

(aii) “advertisement intermediary” means an intermediary which primarily enables buying or selling of advertisement space on the internet or placement of advertisements on online platforms buying without itself endorsing the advertisement, and shall not include an advertiser or broadcaster as defined under the rules;

(b) “Addressable system” means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which transmission of programmes including re-transmission of signals of television channels can be done in encrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the broadcasting network operator;

(c) “Audience Measurement Service” means service provided by an entity registered under sub-section (3) of section 41;

(d) “authorised officer" means, -
(i) in relation to cable broadcasting network operator, radio broadcasting network operator, terrestrial broadcasting

network operator and IPTV broadcasting network operator, within his local limits of jurisdiction, -
(a) a District Magistrate, or
(b) a Sub-divisional Magistrate, or
(c) a Commissioner of Police,

(ii) in relation to broadcasters and broadcasting network operators other than those referred in sub-clause (i), Joint Secretary to the Government of India; and

(iii) any other officer notified in the Official Gazette, by the Central Government, to be an authorised officer for such services within such territorial area, as may be determined;

(e) "Broadcast Advisory Council" means the Broadcast Advisory Council constituted under Section 27;

(f) "Broadcasting" means transmission of audio, visual or audio-visual or textual programme(s), intended to be received or made available for viewing, by the general public or by subscribers, as the case may be, and the expression "broadcasting services" shall be construed accordingly;

(g) "Broadcasting network" means a system used for the transmission of programmes, including cable broadcasting networks, satellite broadcasting networks, internet broadcasting networks, radio broadcasting networks and terrestrial broadcasting networks;

(h) "Broadcasting network operator" means any person who operates a broadcasting network, and has been granted a registration or license or permission or who has provided an intimation as required under this Act, to provide services using a broadcasting network, and includes–

(i) Local Cable Operator;
(ii) Multi-System Operator;
(iii) Direct To Home operator;
(iv) Headend-In-The-Sky operator;
(v) Internet Protocol Television operator;
(vi) Radio broadcasting service operator; and
(vii) Terrestrial broadcasting network operator;

(i) "Broadcaster" means a person who provides programming services and includes –
(i) Satellite Broadcaster,
(ii) Digital News Broadcaster,
(iii) Ground-based broadcaster, and

(iv) In relation to OTT broadcasting service, Radio broadcasting network and Terrestrial broadcasting network, operator of such service or network;

(j) "Cable broadcasting network" means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to enable the transmission of signals through cables for reception by multiple subscribers, and includes network of LCOs and MSOs;

(k) "Company" means
(i) a company as defined under sub-section (20) of section 2 of the Companies Act, 2013;
(ii) any body corporate incorporated by or under the laws of a country outside India;

(l) "Computer resource" shall have the meaning assigned to it under clause (k) of sub-section (1) of section 2 of the Information Technology Act, 2000;

(m) "Digital News Broadcaster" or "publisher of news and current affairs content" means any person who broadcasts news and current affairs programs through an online paper, news portal, website, social media intermediary, or other similar medium as part of a systematic business, professional or commercial activity but excluding replica e-papers;

(n) "Direct to home" or "DTH" means re-transmission of signals of television channels by using a satellite system, directly to subscriber's premises without passing through an intermediary such as LCO or any other broadcasting network operator;

(o) "Encrypted", in respect of a signal of any broadcasting network, means the changing of such signal in a systematic way so that the signal would be unintelligible without use of an appropriate decrypting device or software and the expression "unencrypted" shall be construed accordingly;

(p) "Ground-based broadcaster" means a person providing Ground-based channels to the broadcasting network operators;

(q) "Ground-based channels" means channels transmitted on cable broadcasting network and IPTV network but excluding satellite channels, Platform services, any channel of Prasar Bharati or any channel operated by or on behalf of Parliament of India;

(r) "Guidelines" means the guidelines issued by the Central Government to fulfill the object and requirements of this act and rules made thereunder;

(s) "Headend in the Sky" or "HITS" means the system for the transmission of programmes, including re-transmission of signals of television channels

(i) To intermediaries like LCOs or MSOs by using a satellite distribution system and not directly to subscribers; or

(ii) To the subscribers by using a satellite distribution system and its own cable networks;

(si) "Intermediary, with respect to any programme, means any person who on behalf of another person, subscriber or user hosts receives, stores, displays or transmits that programme or provides any service with respect to that programme and includes social media intermediaries, advertisement intermediaries, internet service providers, online search engines and online-marketplaces;

(t) "Internet broadcasting network" means a system for the delivery of broadcasting services and programmes using the internet, over a computer resource, or using Internet Protocol, to subscribers or viewers, and includes IPTV;

(u) "Internet Protocol Television" or "IPTV" means a system for the delivery of multi-channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;

(v) "Linear broadcasting services" means any broadcasting service where the channels or programmes provided by broadcasters are offered to subscribers by broadcasting network operators in a linear manner, and includes cable broadcasting networks, satellite broadcasting networks and IPTV;

(w) "Local Cable Operator" or "LCO" means a person who receives the programme signals from MSO or HITS operator and provides broadcasting services through a cable broadcasting network, or otherwise controls or is responsible for the management and operation of a cable broadcasting network and fulfills the prescribed eligibility criteria and conditions;

(x) "Multi-System Operator" or "MSO" means a person operating a cable broadcasting service who receives a programming service from a broadcaster and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple

subscribers directly or through one or more local cable operators and fulfills the prescribed eligibility criteria and conditions;

(y) "News and current affairs programmes" means:-(i) newly-received or noteworthy textual, audio, visual or audio-visual programmes or live programmes, including analysis, about recent events primarily of socio-political, economic or cultural nature, or (ii) any programmes transmitted or retransmitted, where the context, purpose, import and meaning of such programmes implies so;

(z) "On-demand" means a system where a user, subscriber or viewer is enabled to access, at a time chosen by such user, any programme which is transmitted using a computer resource and is selected by the user;

(aa) "Operator" means,

(A) in relation to a broadcasting network, the person-

(i) who has been granted a registration or provided an intimation in relation to such broadcasting network as required under this Act;

and

(ii) who exercises overall control and supervision of the management and operation of such broadcasting network; and

(B) in relation to a service the person who provides such service;

(bb) "Over-the-top broadcasting service" or "OTT broadcasting service" means a broadcasting service where curated programmes, other than news and current affairs owned by, licensed to or contracted to be transmitted by a person, are made available on-demand or live including but not limited to subscribers, through a website, social media intermediary, or any other online medium, as part of a systematic business, professional, commercial activity.

Explanation 1. – For the purpose of this clause, 'curation' means selection, organization and presentation of online content or information using skill, experience or expert knowledge and the term "curated" shall be construed accordingly;

(cc) "Person" includes-

(i) an individual
(ii) a Hindu Undivided Family,
(iii) a company;
(iv) a limited liability partnership
(v) a firm

(vi) an association of persons or a body of individuals, whether incorporated or not,
(vii) a local authority, and
(viii) every artificial juridical person, not falling within any of the preceding sub-clauses;

(dd) "Platform Service" means programs, including advertisements transmitted by following Broadcast Network Operators exclusively to their own subscribers and does not include Doordarshan channels, registered television channels or foreign television channels that are not registered in India:

(i) Multi-System Operator;
(ii) Direct To Home operator;
(iii) Headend-In-The-Sky operator;
(iv) Internet Protocol Television operator;
(v) Terrestrial broadcasting network operator; and
(vi) Any other broadcast network operator notified by the Central Government;

(ee) "Prescribed" means prescribed rules made under this Act;

(ff) "professional" means a person engaged in an occupation or vocation;

(gg) "Programme" means any audio, visual or audio-visual content, sign, signals, writing, images, texts which is transmitted directly or using a broadcasting network, and includes:

(i) Exhibition of films, features, dramas, documentaries, advertisements and serials;
(ii) Any audio or visual or audio-visual live performance or presentation and the expression 'programming service' shall be construed accordingly;

(hh) "publisher of online curated content" means OTT broadcasting service operator;

(ii) "Radio broadcasting network" means the transmission of programmes by a system for the transmission or retransmission of audio programmes using electromagnetic waves on specified frequencies, satellite systems or terrestrial networks, so as to make it available for access by multiple users by connecting their receiving devices to the transmission network;

(jj) “Registration” means a license, approval, authorization, intimation or permission by whatever name called, granted under this Act, Rules or Guidelines for providing services including broadcasting services and operating broadcasting networks;

(kk) “Registering authority” means such authority as the Central Government may, by notification in the Official Gazette, specify to perform the functions of the registering authority under this Act within such local limits as may be determined, and different registering authorities may be specified for different broadcasting services, and where no such authority has been notified, the Central Government;

(ll) "Satellite based broadcaster" or "Satellite Broadcaster” means a broadcaster who has been granted registration under section 11 of the Act to broadcast television channels;

(mm) “Satellite broadcasting network” means any system for the transmission or re-transmission of audio, visual and audio visual programmes using a satellite system and includes DTH and HITS;

(nn) “Social media intermediaries” means an intermediary which primarily or solely enables online interaction between two or more users and allows them to create, upload, share or disseminate, modify or access information using its services;

(oo) “Subscriber” means,

(i) In the context of linear broadcasting services, a person who receives broadcasting services, from broadcasting network operator, at a place indicated by such person without further transmitting it to any other person, and who does not cause the signals of channels to be heard or seen by any person for a specific sum of money to be paid by such person, and each set top box located at such place, for receiving the subscribed broadcasting services, shall constitute one subscriber; and

(ii) In the context of OTT broadcasting services or Digital News Broadcasters, a person who has made an account with the provider of such services and who, in accordance with the terms and conditions of the service, is provided access to programmes on such service;

(pp) “Subscriber data” means information in relation to the number of subscribers of a broadcasting network operator and such other

information as may be prescribed under clause (a) of sub-section (1) of section 14;

(qq) "Subscriber management system" means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilized by the subscriber, channels or bouquets of channels subscribed by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber's record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period;

(rr) "systematic activity" shall mean any structured or organized activity that involves an element of planning, method, continuity or persistence;

(ss) "Telecom Regulatory Authority of India" or "TRAI" means the Telecom Regulatory Authority of India established under Section 3 of the Telecom Regulatory Authority of India Act, 1997;

(tt) "Television channel" means a registered television channel, which has been granted permission in accordance with Section 11;

(uu) "Terrestrial broadcasting network" means a broadcasting network transmitting signals over-the-air through terrestrial frequency bands in analogue or digital format, from terrestrial transmitter intended for direct reception by multiple users; and

(vv) "User" means any person who accesses or avails any computer resource of an intermediary or a publisher for the purpose of hosting, publishing, sharing, transacting, viewing, displaying, downloading or uploading information and includes other persons jointly participating in using such computer resource and addressee and originator;

(2) Words and expressions used and not defined in this Act, but defined in the Telecom Regulatory Authority of India, 1997, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, the Telecommunication Act, 2023 and the Information Technology Act, 2000 or rules or regulations made thereunder shall have the meaning assigned to them in those Acts.

Chapter II: Regulation of broadcasting services

3. Applicability of this Chapter. - The provisions of the Parts of this Chapter shall apply in the following manner:

(a) Part A shall apply to (i) Satellite broadcasters, (ii) cable broadcasting networks, and (iii) satellite broadcasting networks,
(b) Part B shall apply to radio broadcasting networks,
(c) Part C shall apply to internet broadcasting networks,
(d) Part D shall apply to terrestrial broadcasting networks, and
(e) Part E shall apply to OTT broadcasting services, digital news broadcasters and ground-based broadcasters.

4. Requirements for Broadcasters and Broadcasting Network Operators. -

(1) No person shall provide broadcasting services or operate a broadcasting network unless he is registered or has provided an intimation, as the case may be, in accordance with the provisions of this Chapter.

(2) Subject to the provisions of sub-section (4), the following persons shall not be eligible for registration as a broadcaster or broadcasting network operator, as the case may be, under this Act:

(a) The Central Government, Central Government Departments, Central Government owned companies, Central Government undertakings, Joint ventures of the Central Government and any other entity, and entities solely or primarily funded by the Central Government;

(b) State Governments, State Government Departments, State Government owned companies, State Government undertakings, Joint ventures of the State Government and the private sector and entities solely or primarily funded by the State Government;

(c) Gram Sabha, Panchayats, Municipal Councils or Municipal Corporations;

(d) Public authorities;

(e) Political parties registered under the Representation of People Act, 1951 (43 of 1951);

(f) Any person who is an officer in a body under sub-clauses (a), (b) or (c); or

(g) Any other body may be notified by the Central Government.

Provided that this sub-section shall not apply to any person, channel or programme authorised under the Prasar Bharti(Broadcasting Corporation of India) Act, 1990 (25 of 1990) or any channel operated by or on behalf of the Parliament of India:

Provided further that this sub-section shall also not apply to Over-the-top Broadcasting Service Operator.

(3) Any entity referred to in sub-section (2) which is providing any broadcasting service or operating a broadcasting network under any authorisation previously issued by the Central Government or under the Cable Television Networks (Regulation) Act, 1995, shall, within such period of time as may be prescribed, cease to provide such service or operate such network:

Provided that such entities may, in such form and manner and within such time period as may be prescribed, transfer their operations, assets, liabilities, obligations and entitlements to any person who is eligible to provide such service or operate such a network in accordance with the provisions of this Act.

(4) The Central Government, may, for the fulfillment of such social objectives, as may be prescribed, allow registration or intimation as a broadcaster or broadcasting network operator, as the case may be, under this Act, with such terms and conditions, as may be prescribed, to the entities referred in clause (b), (d) and (g) of sub-section (2) of this section.

(5) Requirement of Registration of services other than broadcasting services:-

(a) The Central Government may make provisions for the regulation of services other than broadcasting services that are intricately linked to broadcasting networks or broadcasting services.

Explanation - In this clause, "intricately linked" means close relation with high degree of interdependence.

(b) The Central Government may prescribe or specify in the Guidelines
(i) eligibility conditions,
(ii) fees or charges,
(iii) terms and conditions, of registration of services referred under clause(a)

(c) Different eligibility, fees or charges and terms and conditions may be prescribed or specified in the Guidelines for different services referred in clause (a).

Illustration
(a) This subsection refers to services like Teleport Services, Satellite News Gathering Services and Audience Measurement Services

(6) Requirement of furnishing Security Deposits etc.-

(a) The Central Government may prescribe or specify in the guidelines, to safeguard its interests, the requirements of furnishing Security Deposits, Performance Bank Guarantee, and other such financial instruments, before grant of registration under this Act, Rules or Guidelines.

(b) The financial instruments mentioned in clause (a) of this sub-section may be forfeited fully or partially in the manner prescribed or specified in the guidelines and may also be utilized to recover any dues or penalty under this Act, Rules or Guidelines.

5. General obligations of broadcasters and broadcasting Network Operators -

(1) Every broadcaster and broadcasting Network Operator shall ensure:

(a) transmission of programmes in compliance with such terms and conditions and in such manner as may be prescribed;

(b) the transmission or re-transmission of any broadcasting service provided by him is in conformity with the Programme Code and Advertisement Code prescribed under section 20;

(c) compliance with every order or direction issued under section 35 or 36 relating to any programme and advertisement;

(d) the furnishing of such information as may be sought by the Central Government or the State Government or any agency authorised by the Central Government or authorised officer, as the case may be, within such period and in such form as may be specified by such Government or agency or officer;

(e) compliance with the provisions of Foreign Direct Investment (FDI) Policy of the Central Government;

(f) where applicable, use such equipment in his broadcasting service which conforms to applicable standards as may be specified by the Central Government;

(g) where applicable, the broadcasting service provided by him does not interfere, in any way, with the functioning of the authorised telecommunication systems and is in conformity with such standards relating to interference as may be specified by the Central Government; and

(h)Compliance to standard operating procedure prescribed by the Central Government during disasters and natural calamities.

(2) The Central Government may prescribe different rules under sub-section (1) for different types of broadcasters and broadcasting network operators.

6. Compulsory transmission of certain channels. -

(1) The Central Government may, by notification in the Official Gazette, specify the broadcasting network operators and names of Doordarshan channels or the channels operated by or on behalf of Parliament to be mandatorily carried by such broadcasting network operators in their broadcasting service and the manner of reception and re-transmission of such channels.

(2) The channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.

(3) Notwithstanding the provisions of sub-section (1), any notification issued by the Central Government or the Prasar Bharti (Broadcasting Corporation of India) in pursuance of the provisions of sub-section (1), prior to the Appointed dated shall continue to remain in force till such notifications are rescinded or amended, as the case may be.

Explanation – For the purpose of this Section, "Appointed date" means the date on which the provisions of this Section come into force.

7. Guidelines for providing Platform Services.-

(1) Any cable broadcasting network operator, satellite broadcasting network operator, IPTV network operator or such other broadcasting network operator, as may be prescribed, who intends to provide Platform Services on their registered broadcasting network may apply for permission to broadcast Platform Services to the registering authority in such form, manner and containing such particulars as may be prescribed**.**

(2) Different registration procedures, eligibility criteria, verification procedures and terms and conditions under sub-section (1) may be prescribed for different type of broadcasting network operators.

(3) The Central Government may, from time to time, frame and issue guidelines for operationalisation of this section.

8. Sharing of infrastructure.-

(1) Where it is technically feasible to do so and subject to the rules prescribed by the Central Government in this regard, an agreement for the sharing of infrastructure and equipment for the purpose of providing broadcasting services may be voluntarily entered into between –

(a) An MSO and one or more MSO or HITS Operators
(b) Two or more DTH operators: or
(c) Such other entities may be notified by the Central Government from time to time.

(2) The entities which seek to enter an agreement referred to in sub-section (1), shall make an applicant to the Central Government in such form and manner as may be prescribed.

(3) The Central Government may, after review of the application under sub-section (2), approve or reject the proposal for sharing of infrastructure, and where approved, such proposal shall become effective from the date of such approval.

(4) Where any agreement referred to in sub-section (1) is entered into, every person who has entered into such agreement shall be independently responsible and liable for ensuring compliance with the relevant provisions of this Act, any rules made thereunder and any other applicable law in force for the time being.

(5) The Central Government shall prescribe terms and conditions in relation to the agreements referred to in sub-section (1).

(6) Where it is technically feasible to do so and subject to the provisions of this Act and any other law in force, broadcasting network operators may enter into agreement for the sharing of infrastructure and equipment for the purpose of providing last mile access to Access service providers or Internet Service Providers in a fair, transparent and non-discriminatory manner for proliferation of broadband services.

9. Renewal of registrations.-

(1) Every certificate of registration issued under this chapter shall, subject to the obtaining or renewal of such clearances as may be notified by the Central Government, be renewed after such period and upon payment of such fee, as may be prescribed, subject to the fulfillment of prescribed terms and conditions.

(2) In case of a failure to comply with the terms and conditions related to renewal, the Central Government may cancel the registration issued under this Chapter.

Explanation - For the purpose of this Section, Regulation does not include intimation.

10. Suspension or revocation of registration.- The Registering Authority may suspend or revoke, in such manner as may be prescribed, the registration granted under this Chapter if the broadcaster or broadcasting network operators, as the case may be, violates one or more of the terms and conditions of such registration:

Provided that no such order of suspension or revocation shall be made without giving a reasonable opportunity of being heard to the broadcaster or broadcasting network operator.

Part A: Satellite Broadcasters and Cable and Satellite Broadcasting Networks

11. Approval for uplinking or downlinking of programmes or channels by Satellite Broadcaster.-

(1) Any person who intends to operate as a broadcaster by uplinking or downlinking of programmes or channels may apply for grant of permission for such uplinking or downlinking to the registering authority, in such form and manner and be accompanied by such particulars and fees as may be prescribed.

(2) The broadcaster referred to in sub-section (1) shall fulfill such eligibility criteria and conditions as may be prescribed.

(3) The registering authority may, after receipt of the application under sub- section (1), approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant its approval, as the case may be, and communicate the same to the applicant.

(4) The Central Government shall notify by way of rules the guidelines for the uplinking or downlinking of programmes or channels referred

to in sub- section (1), and such guidelines may include terms and conditions in relation to:

(a) Grant of approval for uplinking or downlinking programmes or channels;

(b) Uplinking of channels or programmes by news agencies;

(c) Grant of approval for setting up of teleport;

(d) Standards in relation to the equipment used by such broadcaster;

(e) Procedures for uplinking or downlinking of live telecast and other categories of programmes;

(f) Uplinking of TV channel operating in India and uplinked from India but meant only for viewership outside India;

(g) Uplinking of TV channel owned by a foreign entity using the facility of permitted Teleport Operator in India; and

(h) Other relevant terms and conditions as the Central Government may deem fit.

(5) Every Satellite broadcaster shall ensure that the transmission or re-transmission of any programme through uplinking or downlinking is in conformity with the terms and conditions specified in the guidelines notified by way of rules as referred to in sub-section (4) of this Section.

12. Registration of Cable and Satellite Broadcasting Network Operators.-

(1) Any person who intends to operate a cable broadcasting network or satellite broadcasting network may apply for registration to operate as a broadcasting network operator to the registering authority, in such form and manner and be accompanied by such particulars and fee as may be prescribed.

(2)The broadcasting network operator shall fulfill such eligibility criteria and conditions as may be prescribed by the Central Government.

(3) The registering authority may, after receipt of the application under sub-section (1) and verification in such form and manner as may be prescribed, approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by

order, refuse to grant its registration, as the case may be, and communicate the same to the applicant.

(4) Different registration procedures under sub-section (1), eligibility criteria under sub-section (2), verification procedures and terms and conditions under sub-section (3) may be prescribed for:

(a) cable broadcasting networks, including LCOs and MSOs;

(b) satellite broadcasting networks, including DTH operators and HITS operators; or

(c) any other category of broadcasting network operators as notified by the Central Government.

13. Obligations of cable and satellite broadcasting network operators.-

(1) Every Cable and Satellite broadcasting network operator shall:-

(a) transmit or re-transmit programmes in an encrypted form through a digital addressable system only;

Provided that broadcasting network operators authorised under the Prasar Bharti (Broadcasting Corporation of India) Act, 1990 (25 of 1990) shall be exempted from complying with requirements in relation to encryption, subject to such terms and conditions as may be prescribed.

(b) publicise the information related to subscription rates, standards of quality of service and mechanism for redressal of grievances, in such manner and at such periodic intervals as may be prescribed by the Central Government or as may be specified by TRAI by its regulation, directions or orders; and

(c) maintain records about the programmes transmitted by them in such form and for such time period as may be specified, and also share the same with the Authorised Officer and the Central Government as and when required; and

(2) A Cable and Satellite broadcasting network operator shall not require any subscriber to have a receiver set of a particular type to receive programmes or signals of their broadcasting network:

Provided that the subscriber of cable broadcasting network and satellite broadcasting network shall use a digital addressable system to be attached to his receiver set for receiving programmes transmitted on any channel.

(3) All actions taken by the Central Government or the TRAI in pµrsuance of the provisions of sub-section (1) as they stood immediately before the

appointed date shall continue to remain in force till such actions are modified as per the provisions of this Act.

Explanation.-For the purpose of this Section, "Appointed date" means the date on which the provisions of this Section comes into force.

14. Maintenance of records of subscriber data. -

(1) Every Cable and Satellite broadcasting network operator and Satellite broadcaster shall: -

(a) maintain accurate and updated records of subscriber data of its broadcasting services or network, including the number of subscribers and such other particulars as may be prescribed;

(b) provide the prescribed relevant information relating to its broadcasting services and networks in such format and at such periodic intervals to the Central Government or the State Governments or the TRAI or their authorised representatives, as may be specified by them from time to time;

(c) undertake periodic external audits of subscriber data, as may be specified, to ensure the accuracy and reliability of subscriber data maintained by the operator; and

(d) comply with technical measures, as may be prescribed, in order to ensure the maintenance and reporting of accurate and updated subscriber data.

(2) Any information provided by the broadcasting network operator under the provisions of this Act or any law in force for the time being to a State Government or the TRAI or their authorised representatives, may be shared with the Central Government, for the purpose of ensuring adequate oversight of subscriber data and ensuring compliance with the provisions of this Act.

Part B: Radio Broadcasting Networks

15. Grant of permissions to Radio Broadcasting Network Operators.-

(1) Any person who intends to operate a radio broadcasting network may apply for a letter of intent, to operate a radio broadcasting network to the registering authority, in such form, manner and be accompanied by such particulars and fee as may be prescribed.

(2) The registering authority may, after receipt of the application under sub-section (1), approve the application for a letter of intent subject to such clearances and requirements as may be prescribed, or for reasons to be

recorded in writing, by order, refuse to grant its approval for such application, as the case may be, and communicate the same to the applicant.

(3) Subject to the fulfillment of subsequent clearances and the requirements prescribed under the letter of intent under sub-section (1), the radio broadcasting network operator may apply for signing of grant of permission agreement to the Central Government, in such form and manner and containing such particulars as may be prescribed.

(4) The radio broadcasting network operator referred to in sub-section (1) shall fulfill such eligibility criteria and conditions as may be prescribed.

(5) Different permission procedures under sub-section (1) and requirement of subsequent clearances under sub-section (2) may be prescribed for:

(a) private FM radio broadcasting service,
(b) community radio broadcasting service, and
(c) any other category of radio broadcasting service as notified by the Central Government.

Part C: Internet Broadcasting Networks

16. Intimation by IPTV Network Operators.-

(1) Any person who has obtained an authorisation under section 3 of the telecommunication Act, 2023 may provide IPTV services, may operate IPTV Network in compliance with the terms of such authorisation after providing an intimation to the Central Government in such form and manner as may be prescribed.

(2) An MSO may provide IPTV services after providing an intimation to the Central Government in such form and manner as may be prescribed.

Part D: Terrestrial Broadcasting Networks

17. Grant of permission to Terrestrial Broadcasting Network Operators.-

(1) Any person who intends to operate as a terrestrial broadcasting network may apply for permission to the registering authority, in such form and manner and be accompanied by such particulars and fee as may be prescribed.

(2) The operators referred to in sub-section (1) shall fulfil such eligibility criteria and conditions as may be prescribed.

(3) The registering authority may after receipt of the application under sub-section (1) and verification in such form and manner as my be prescribed,

approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant its registration, as the case may be, and communicate the same to the applicant.

Part E: OTT Broadcasting Services, Digital News Broadcasters and Ground-based Broadcasters

18. Intimation by OTT Broadcasting Services Operators and Digital News Broadcasters

(1) OTT broadcasting service operators and Digital News Broadcasters shall, within a period of one month from the notification of this Act or its meeting the prescribed threshold, provide an intimation to the Central Government of its operations, in such form and manner as may be prescribed:

Provided that only the OTT broadcasting service operators with number of subscribers or viewers above a certain threshold may be notified by the Central Government may be required to provide the intimation referred above.

(2) The Central Government may, if it considers or expedient so to do for avoiding genuine hardships on such other OTT broadcasting service operators or Digital News Broadcasters, who constitute any distinct class or group, or relax, through Guidelines, any requirement contained in any of the provisions of this Act.

(3) In case OTT broadcasting service operator or Digital News Broadcaster is a user of social media intermediary, then such user shall be responsible for ensuring compliance with all the requirements under this Act.

Explanation 1.-In case of OTT broadcasting services and Digital News Broadcasters, the person responsible for ensuring compliance with all requirements under this Act shall be the one who makes available the programme or content and not the network operator or the internet service provider.

19. Registration of Ground Based Broadcasters

(1) Any person who intends to operate as a Ground-based broadcaster may apply for grant of registration of the ground based channels to the registering authority, in such form and manner and be accompanied by such particulars and fees as may be prescribed.

(2) The Ground-based broadcaster referred to in sub-section (1) shall fulfill eligibility criteria and conditions as may be prescribed.

(3) The registering authority may, after receipt of the Application under sub section (1), approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant its approval, as the case may be, an communicate the same to the applicant.

(4) The Central Government shall notify by way of rules the guidelines for transmission of programme or channels referred to in sub-section (1), and such guidelines may include terms and conditions in relation to:

a. Grant of registration to ground based channels;
b. Procedures for transmission of live telecast and other categories of programmes
c. Other terms and conditions as the Central Government may deem fit

(5) Every ground-based broadcaster shall ensure that the transmission or re-transmission of any programme is in conformity with the terms and conditions specified in the guidelines notified by way of rules as referred to in sub-section (4) of this Section.

19A. Due Diligence by Intermediaries

(1) An intermediary shall not be liable for any third party programmes made available or hosted by it if,-

(a) the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted;

(b) the intermediary does not initiate the transmission;

(c) the intermediary does not select or modify the information contained in the transmission, except when such modification is made in compliance to the directions of the Central Government issued under the provisions of this Act;

(d) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as may be prescribed:
Provided that different due diligence guidelines may be prescribed for social media intermediaries, and online advertisement intermediaries.

(2) An intermediary shall provide appropriate information, including information pertaining to the OTT broadcasters and Digital News Broadcasters on its platform, to the Central Government ent as may be required for ensuring compliance to the provisions of this Act.

(3) The Central Government may issue directions to the Internet Services Providers or Intermediaries to enforce compliance to provisions of this Act in relation to OTT broadcasting operators and Digital News Broadcasters.

(4) Where a social media intermediary fails to comply with any directions issued under sub section (3) of this Section the provisions of sub-section (1) shall not be applicable to such intermediary and the intermediary shall be liable for punishment under any law for the time being in force including provisions of this Act and the Bharatiya Nyaya Sanhita, 2023.

Chapter III: Content standards, accessibility and access control measures

20. Programme Code and Advertising Code.-

(1) Any programme transmitted or re-transmitted as broadcasting services shall be in conformity with the Programme Code, as may be prescribed.

(2) Any advertisement transmitted or re-transmitted as broadcasting services shall be in conformity with the Advertisement Code, as may be prescribed.

(3) Different Programme Code and Advertisement Code may be prescribed under sub-section (1) and (2) for programmes and advertisements broadcast through:

(a) linear broadcasting services;
(b) on-demand broadcasting services;
(c) radio broadcasting services; and
(d) any other category of broadcasting service as notified by the Central Government.

(4) Any advertisement not transmitted or retransmitted as broadcasting services but published online on a website, social media intermediary, or other similar medium shall be in conformity with the Advertisement Code, as may be prescribed.

21. Anti Piracy Provisions-

(1) For the purposes of this Act, "piracy" shall mean the unauthorized reproduction, distribution, broadcast, transmission, online publication of any programme without the explicit consent from the copyright holders.

(2) No person shall carry or include in his broadcasting service any programme in respect of which copyright subsists under the Copyright Act, 1957 (14 of 1957) unless he has been granted a license by owners of copyright under that Act in respect of such programme.

(3) The central government may establish a dedicated task force or unit to investigate and combat piracy.

(4) Nothing in this section shall be construed to limit or prejudice the rights and remedies available to rights holders under any other law for the time being in force.

22. Self-classification and Access Control Measures by broadcasters and broadcasting network operators.-

(1) The Central Government may issue guidelines for broadcasters to classify their programmes under the categories specified thereunder, having regard to the context, theme, tone, impact and target audience of such content, with the relevant rating for such categories based on an assessment of the relevant content descriptors specified in such guidelines.

(2) The classification referred to in sub-section (1) shall be displayed prominently at the beginning of the programme, in such form and manner specified in the guidelines, to enable users to make an informed decision about such programmes.

(3) The broadcasting network operator shall endeavor to implement access control measures, in the prescribed form and manner, in relation to programmes which have been classified as being appropriate for restricted viewing under sub-section (1).

23. Accessibility Guidelines for persons with disabilities.-

(1) The Ministry of Information and Broadcasting may issue Accessibility Guidelines so that Broadcasting services are accessible to persons with disabilities and is guided by the following general considerations:

(a) Every person with disability is entitled to access programmes, platforms and equipment of broadcasting services in a form accessible to such persons;

(b) Every broadcasting network operator and broadcaster may make their programmes, platform, and equipment accessible for persons with disabilities; and

(c) Broadcasters or broadcasting network operators may be required to take certain mandatory measures under the Accessibility Guidelines and endeavour to take certain directory measures to make broadcasting services incrementally more accessible.

(2) The requirements and measures specified in the accessibility Guidelines referred to in sub-section (1) may include-

(a) Supplementing video programmes with subtitles of size, colour, and font as may be specified;

(b) Supplementing video content with audio-description for the blind in such languages as may be specified;

(c)Translating audio content of videos, where appropriate, into sign language;

(d) Requiring providers of OTT broadcasting services to use applications that are accessible to persons with disabilities;

(e) Specifying a certain percentage of programmes that all broadcasters must make accessible in accordance with the accessibility guidelines within such time period as may be specified;

(f) Requiring providers of broadcasting services to submit an end-to- end annual accessibility audit report to the Central Government in the form and manner as may be specified;

(g) Designation of a disability grievance redressal officer to be appointed by the Central Government, to address complaints contraventions of the accessibility guidelines in such manner and within such time as may be specified in guidelines; and

(h) Establishing mechanisms to enable any person with a disability who is unable to access the programmes, platform, or equipment of a broadcasting service to file a complaint in such form and manner, specified in guidelines.

(3) Where the Ministry of Information and Broadcasting is of opinion that there is a violation of the accessibility guidelines, penalty on the broadcaster or broadcasting network operator may be imposed in accordance with Section 34.

Chapter IV: Self Regulation

24. Self-Regulatory structure.-

(1) To ensure compliance to the Programme code and the Advertisement code and to address the grievance or complaint, if any, relating thereto, there shall be:

(a) Self-regulation by broadcasters and broadcasting network operators in accordance with section 25;

(b) Self-regulatory organisations constituted in accordance with section 26; and

(c) The Broadcast Advisory Council constituted under section 27.

(2) Self-certification by the Content Evaluation Committee (CEC):-

(a) Every broadcaster or broadcasting network operator shall constitute one or more “Content Evaluation Committee “ or CEC, and strive to make the committee diverse by inclusion of individuals having knowledge of different social groups, women, child welfare, scheduled castes, scheduled tribes, minorities.

(b) Every broadcaster or broadcasting network operator shall intimate the Central Government the names and credentials of members of CEC.

(c) Every broadcaster or broadcasting network operator shall broadcast only those programmes which are duly certified by the CEC:

Provided that the requirement of certification from CEC shall not apply to the following programmes:

(i) Programmes already certified for public viewing in India by any statutory body;
(ii) News and Current Affairs Programme;
(iii) Educational Programmes;
(iv) Live Events;
(v) Animations for Children;
(vi) Other programmes, as may be prescribed

(d) The certificate issued by CEC may be requisitioned by the Central Government, State Government or any other Public Authority.

(e) The provisions of this section shall be applicable after 180 days of coming into force of this Act and on such programmes, which are being broadcasted or published for the first time by broadcaster or broadcasting Network Operator.

(3) The provisions of this chapter shall be applicable, in case of cable broadcasting network operators, satellite broadcasting network operators and

IPTV Network operators, to only such operators, who provide Platforms services on their network, and limited only to the content broadcasted on such platform services.

25. Self-regulation by broadcasters and broadcasting network operators.-

(1) Every broadcaster and broadcasting network operators shall:

(a) Appoint a grievance redressal officer for the purpose of receiving and hearing complaints in contravention of Programme code and the Advertisement code;

(b) Be a member of a self-regulatory organisation constituted in accordance with section 26;

(c) Establish and maintain suitable mechanisms for the filing and redress of complaints referred to in clause (a), in such form and manner as may be prescribed; and

(d) Publish information related to complaint redressal mechanisms prominently in such form as may be prescribed.

(2) Where the complainant is not satisfied with the decision of the grievance redressal officer or no decision has been taken within prescribed time period, he may, within such period of time and in such form and manner as may be prescribed, prefer an appeal of such decision to the self-regulatory organisation of which such broadcaster or broadcasting network operator is a member under Section 26 or where such self-regulatory organisation is not available for any reason, to the Broadcast Advisory Council under section 27.

26. Self-regulatory organisations of broadcasters and broadcasting network operators.-

(1) A self-regulatory organisation of broadcasters or broadcasting network operators, being a body constituted by broadcasters, broadcasting network operators or their associations with such number of members as may be prescribed, may be registered in the manner specified in sub-section (2) for the functions referred to in sub-section (3).
(2) A self-regulatory organisation shall, within a period of ninety days of the coming into force of this Act or after its constitution in accordance with sub-section (2), register itself with the Central Government in such form and manner as may be prescribed:

Provided that a self-regulatory organisation previously granted registration by the Central Government in accordance with the rules made under the Cable

Television Network (Regulation) Act, 1994 shall be deemed to have been registered under this sub-section.

Provided further that a self-regulatory organisation previously granted registration by the Central Government in accordance with the Information Technology (Intermediary Guidelines and Digital Ethics Code) Rules, 2021 of publisher of news and current affairs conduct or publisher of online curated content shall be deemed to have been registered under this sub-section respectively of Digital News Broadcasters or OTT broadcasting services operator.

(3) The self-regulatory organisation shall perform the following functions:

(a) Address grievances which have not been addressed by the broadcaster or broadcasting network operators within the prescribed time period;
(b) Hear appeals filed by complainants against the decision of the broadcaster or broadcasting network operators under Section 25, in such form and manner as may be prescribed.
(c) Issue guidance or advisories to its members for ensuring compliance to the programme Code and the Advertising Code.

(4) A self-regulatory organisation under this section may make governing norms and articles consistent with the provisions of the Act, Rules and Guidelines which shall also provide that contravention of any of the governing norms and articles or Programme code and Advertisement code shall render the member of Self Regulatory Organisation concerned liable to one or more of the following punishments, namely:

(a) expulsion from membership;
(b) suspension from membership for a specified period;
(c) any other penalty of the nature of advisory, censure, warning;
(d) monetary penalty not exceeding Rs. five lakhs for each contravention.

27. Broadcast Advisory Council.-

(1) The Central Government shall constitute, for the purposes of this Act, a Broadcast Advisory Council, consisting of

(a) One eminent independent person with not less than twenty-five years of experience in the fields of media, entertainment, broadcasting and other such relevant fields. – Chairperson;

(b) Five officers nominated by the Central Government to represent the Ministry of Information and Broadcasting, Ministry of Women and Child Development, Ministry of Home Affairs, Ministry of External Affairs, and Ministry of Social Justice and Empowerment - Members, *ex officio*

(c) Five eminent independent persons, nominated by the Central Government, with experience in the fields of media, entertainment, broadcasting, child rights, disability rights, rights of women, human rights, law and other such relevant fields – Members.

(2) The term of office of an ex-officio member shall come to an end as soon as he ceases to hold office by virtue of which he was nominated.

(3) The Broadcast Advisory Council shall meet at such times and places as may be appointed by it and shall observe such rules of procedure in regard to its quorum and the transaction of business at its meetings, as may be specified by guidelines.

(4) The terms and conditions related to the appointment of members to the Broadcast Advisory Council, the manner of their selection, tenure and the manner of performance of their functions shall be such as may be prescribed.

(5) The Broadcast Advisory Council shall have the power to co-opt as members such number of persons, who are not its members, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Broadcast Advisory Council and take part in its proceedings but shall not have the right to vote.

28. Functions of the Broadcast Advisory Council.-

(1) The Broadcast Advisory Council shall hear complaints regarding violation or contravention of the Programme Code or Advertisement Code that may:

(a) Arise out of appeals filed by complainants against the decision of the self-regulating organisations under section 26, in such form and manner as may be prescribed:

Provided that where broadcaster or broadcasting network operator is not a member of any self-regulating organisation or self-regulating organisation under section 26 is not available due to any other reason, hear such appeals which ordinarily lies with them, in such form and manner as may be prescribed;
(b) be referred to it by the Central Government.

(2) The Broadcast Advisory Council shall examine complaints or grievances received by it, or referred to it, and make the recommendations to the Central Government as per the provisions of Section 35.

(3) The Central Government may, after taking into consideration the recommendations of the Broadcast Advisory Council, issue appropriate orders and directions under section 35.

29. Constitution of review panels by Broadcast Advisory Council.-

(1) The Broadcast Advisory Council, may, constitute review panels, with such number of members and such composition, as may be prescribed, to carry out its functions referred in section 28.

(2) The Central Government may prescribe through rules, the manner in which any appeal or reference may be assigned to review panels by the Broadcast Advisory Council.

(3) Once any matter is assigned to a review panel, the recommendation made by such a review panel shall be deemed as the recommendation of the Broadcast Advisory Council.

Chapter V: Inspections, Penalties and Appeals

30. Power of Inspection.-

(1) An inspecting officer shall have the right to inspect broadcasting networks and services.

(2) On being so directed by the inspecting officer, the operator of broadcasting network or broadcasting services shall provide the necessary equipment, services and facilities at designated place or places for lawful interception or continuous monitoring under the supervision of the inspecting officer.

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) No prior permission or intimation shall be required to exercise the right of the inspecting officer to carry out such inspection.

Explanation.- For the purpose of this Section, "Inspecting officer" means (a) an agency or officer authorised by the Central Government or (b) authorised officer.

31. Power to seize and confiscate equipment.—

(1) The provisions of this section shall be applicable only on the following broadcasting network or broadcasting services:

(a) Cable broadcastsing network;
(b) Radio Broadcasting network;
(c) Any Broadcasting network or service notified in the official gazette.

(2) If any authorised officer has reason to believe that provisions under this Act, or rules or Guidelines are being contravened by the operator of broadcasting network or broadcasting services, he may seize the equipment of such broadcasting network or broadcasting services.

(3) No seizure or confiscation of equipment referred to in sub-section (2) shall affect the penalty to which the person affected thereby is liable under the provisions of this Act, or rules or Guidelines.

(4) The equipment seized under sub-section (2) shall be liable to confiscation unless the operator of broadcasting network or broadcasting services, from whom the equipment has been seized demonstrates compliance with the provisions of this Act, or rules or Guidelines, within a period of thirty days from the date of seizure of the said equipment.

32. Giving of opportunity to the operator of broadcasting network or broadcasting services of seized equipment.-

(1) No order adjudicating confiscation of the equipment referred to in section 31 shall be made by the Authorised officer unless the operator of broadcasting network or broadcasting services, has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter:

Provided that where no such notice is given within a period of ten days from the date of the seizure of the equipment, such equipment shall be returned after the expiry of that period to the operator of broadcasting network or broadcasting services, from whose possession it was seized.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply to every proceeding referred to in sub-section (1).

(3) Any person aggrieved by any decision of the authorised officer, under sub-section (1), adjudicating a confiscation of the equipment may prefer an appeal to the court to which an appeal lies from the decision of the authorised officer.

(4) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary.

(5) No further appeal shall lie against the order of the court made under sub-section (4).

33. Punishment for contravention of provisions of this Act.—

(1) Whoever contravenes the provisions of this Act, Rules, or Guidelines, causing an offence specified in the First Schedule, shall be punishable with imprisonment for a term, or with a fine, or with both, further specified in the First Schedule.

(2) Offences by companies.—

(a) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(b) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this sub-section,—
(i) “company” means any body corporate and includes a firm or limited liability partnership or other association of individuals; and

(ii) “director” in relation to a firm means a partner in the firm.
(iii) “director” in relation to limited liability partnership means a partner in the limited liability partnership.

(3) No court shall take cognizance of any offence specified in the First Schedule to this Act except upon a complaint in writing made by any authorised officer.

34. Penalty for contravention of provisions other than Programme code and Advertisement Code, of this Act.-

(1) Subject to sections 33 and 35, whoever contravenes any provision of this Act, rules or guidelines, shall be liable for one or more of the following:

(i) Advisory;
(ii) Warning,
(iii) Censure
(iv) Monetary penalty specified in the Second Schedule.

(2) The authorised officer, by making an order in writing, shall impose penalty mentioned under sub-section (1):

Provided that in case of more than three contraventions over a period of three years, the authorised officer, in addition to the penalty referred to in sub-section (1), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration granted:

Provided further that no order by the authorised officer under this sub- section shall be made without giving a reasonable opportunity of being heard.

35. Penalty and measures for contraventions of Programme code and Advertisement Code.-

(1) Subject to section 33, the Central Government may, in accordance with the provisions of section 28, issue an order requiring the broadcaster or the broadcasting network operator to comply with one or more of the following measures:

(a) to delete or modify programme or advertisement;
(b) Requiring to comply to an advisory, or censure, or warning issued;
(c) to display an apology scroll at such date and time as may be specified;
(d) A statement of apology to be read out by the key personnel of the entity on the channel;
(e) Directing the channel to be off-air for specified number of hours or days;
(f) Imposing a penalty, as specified in the Second Schedule, which such broadcaster or the broadcasting network operator shall be liable to pay.

(2) In cases of repeated and persistent non-compliance where a penalty under sub-section (1) has already been imposed, the Central Government may, in addition to the penalty under sub-section(1), cancel any registration granted to the broadcaster or the broadcasting network operator under this Act after giving a reasonable opportunity of being heard.

36. Power to prohibit transmission of programme or operation of broadcaster or broadcasting network.—

(1) Power of Authorised Officers-

Where any authorised officer, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any broadcasting network operator, from transmitting or re-transmitting any programme or channel if, it is not in conformity with the prescribed programme code and advertisement code referred to in section 20 or if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquility.

Explanation. - For the purpose of this sub-section, the broadcasting network does not include Satellite broadcasting network operator.

(2) Power of Central Government-

(a) Where the Central Government thinks it necessary or expedient so to do in the interest of the— (i) sovereignty or integrity of India; or (ii) security of India; or (iii) friendly relations of India with any foreign State; or (iv) public order, decency or morality, it may, by order, regulate or prohibit the transmission or re-transmission of any Television Channel or programme any broadcasting service or broadcasting network.

(b) Where the Central Government considers that any programme of any channel is not in conformity with the prescribed programme code and advertisement code referred to in section 20, it may by order, regulate or prohibit the transmission or re-transmission of such programme.

(c) Where the central Government thinks it necessary or expedient to do so in public interest, it may prohibit the operation of any broadcasting services or broadcasting network operators, in such areas as it may, by order in writing, specify in this behalf.

(3) The central government may prescribe rules for exercise of power by the Central Government or Authorised officer under this Section.

37. Appeals.-

(1) Any person aggrieved by an order or decision of:

(i) the registering authority under Chapter II for refusing grant of registration, renewal of registration and suspension or revocation of registration,
(ii) Authorised officer under section 34,
(iii) registering authority under section 40,

may prefer an appeal, in such form as may be prescribed to the Appellate Authority, as may be prescribed, within thirty days from the date of the order appealed:

Provided that an appeal may be entertained after the expiry of the period of thirty days, if the Appellate Authority is satisfied that, the appellant was prevented sufficient cause from preferring the appeal in time.

(2) The appellant shall be given a reasonable opportunity of being heard before disposing of the appeal.

Explanation.- For the purpose of this chapter, OTT broadcasting service operators and Digital News Broadcasters not meeting the prescribed threshold of subscribers or viewers prescribed in section 18 shall be deemed to have provided intimation and provisions of this chapter shall apply accordingly.

Chapter VI: Emerging and Future Broadcasting Technologies

38. Regulatory Sandbox.-

The Central Government may, for the purposes of encouraging and facilitating innovation and technological development in broadcasting, create one or more regulatory sandboxes, in such manner, and for such duration, as may be prescribed.

Explanation.- For the purposes of this section, the expression "regulatory sandbox" refers to a live testing environment where new products, services, processes and business models which may be deployed, on a limited set of users, for a specified period of time, with certain relaxations from the provisions of this Act.

39. Provisions in relation to emerging and future broadcasting technologies. -

(1) The Central Government may, by notification, make the provisions of this Act specified in such notification applicable to any entities which are providing broadcasting services using any method referred to in sub-section (3).
(2) A notification under sub-section (1) may be made where the Central Government is of the opinion that a broadcasting services which is not referred to or defined under this Act,

(i) is offering its services users in India; and
(ii) has attained such threshold of users in India, as may be prescribed; and

(iii) is substantially similar to the broadcasting networks referred to in clause (g) of sub-section (1) of section (2); and
(iv) it is necessary or expedient in the public interest that any or all provisions of this Act be made applicable to such broadcasting networks.

(3) A notification under sub-section (1) may be made in relation to any:

(a) cable broadcasting networks
(b) satellite broadcasting networks
(c) internet broadcasting networks
(d) radio broadcasting networks
(e) terrestrial broadcasting networks
(f) other technologies or methods which satisfies the criteria of broadcasting as under clause (f) of sub-section (1) of section (2), as the Central Government may deem fit:

Provided that a notification under this section may only be made in relation to entities which are providing broadcasting services or operating broadcasting networks in the course of systematic business, professional, journalistic or commercial activity, and shall not be made in relation to any entity who is not undertaking such systematic activity.

(4)The notification under sub-section (1) shall contain
(a) the entities and the technologies in relation to which the provisions of the Act are being made applicable, including definitions thereof.
(b)the provisions of the Act and the ensuing obligations thereunder that shall be applicable to such broadcasting services;
(c) the manner in which such provisions of the Act shall be implied by the entities referred to in clause (a).

(5)Every notification issued under this section shall be as soon as may be after it is made, be laid before both Houses of Parliament.

Chapter VII: Miscellaneous

40. Right of way for broadcasting networks:-

(1) Subject to the provisions of this Act, any broadcasting network operator shall be entitled to the right of way in the manner as for any facility provider specified in Chapter III of the Telecommunication Act, 2023.

41. Registration for providing audience measurement services.-

(1) Any person who intends to provide audience measurement services may apply for grant of registration for audience measurement agency to registering

authority, in such form and manner containing such particulars as may be prescribed.

(2) The audience measurement agency referred to in sub-section (1) shall fulfill such eligibility criteria and conditions as may be prescribed.

(3) The registering authority, after receipt of the application under sub-section (1), register the applicant subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant registration, as the case may be, and communicate the same to the applicant.

(4) The Central Government shall notify by way of rules the guidelines for audience measurement service referred to in sub-section (1), and such guidelines may inter alia include terms and conditions in relation to:

(a) period of registration, registration fees, basic conditions and obligations;
(b) methodology for audience measurement, complaint redressal mechanism;
(c) sale and use of ratings;
(d) disclosure, reporting requirement, requirement for audit;
(e) Action upon non-compliance;
(f) Inspection, national security and other conditions; and
(g) renewal of registration.

41. Transitional Provision-

(1) Any person to whom a registration or license or permission or approval has been granted or has provided an intimation, as the case may be, to provide a service including broadcasting service or operate a broadcasting network referred to in this Act, under:

(a) The Cable Television Network (Regulation) Act, 1995 and rules made thereunder;
(b)Guidelines for DTH Services, Order No. 8/1/99-PBC (Vol. II) dated 15.3.2001, as amended from time to time;
(c) HITS Guidelines issued by the Central Government vide Order No. 9/02/2005-BP&L (Vol. III) dated 26.11.2009, as amended from time to time;

(d) Policy guidelines for uplinking and downlinking of television channels, 2022, as amended from time to time;

(e) Authorisations under section 3 of the Telecommunication Act, 2023;

(f) Policy Guidelines on Expansion of FM Broadcasting Services through Private Agencies (Phase III), 2011, as amended from time to time;

(g) Policy Guidelines for setting up Community Radio Stations in India, 2006, as amended from time to time.

(h)Policy Guidelines for Television Agencies in India, 2014, as amended from time to time;

(i) The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2022, as amended from time to time;

(j) Guidelines for providing of Internet Protocol Television (IPTV) Services, 2008, as amended from time to time,

shall be deemed to have been registered, approved, or provided notification as required under the Act.

Provided that the central Government may require such persons to provide a notification in such form and manner as may be prescribed to self-certify their compliance with the provisions of this Act within such time period as may be prescribed.

(2) The Central Government shall prescribe a time period within which the persons referred to in sub-section (1) shall be required to ensure compliance with the provisions of this Act.

43. Application of other laws on Broadcasting Networks and Services.

(1) Extent of Application of Telecommunication Act, 2023.- Notwithstanding anything contained in the telecommunication Act, 2023, the Central Government may notify such services or networks, for which provision has made under this Act, and such notification, may restrict or apply, in whole or in part, the provisions of the Telecommunication Act, 2023, on matters related to such services or networks:

Provided that in case no notification is made under this sub-section for a service or network then none of the provisions of Telecommunication Act, 2023 shall be applicable on such service or network.

(2) Application of TRAI Act, 1997 on Broadcasting Services.-

Notwithstanding anything contained in the TRAI Act, 199t, the entities registered under this Act shall not be licensee under the TRAI Act, 1997:

Provided that the central government may notify the entities registered under this Act to be licensee under the TRAI Act, 199 and the central Government shall be licensor under the TRAI Act, 1997 for such entities.

44. Consistency with the other laws.-

(1) The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940 Pharmacy Act, 1948 (8 of 1948), the Drugs (Control) Act, 1950 (26 of 1950), the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Cinematograph Act, 1952 (37 of 1952), the Drugs and Magical Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act, 1957 (14 of 1957), the Representation of Women (Prohibition) Act, 1986 (60 of 1986), the Cigarettes and Other Tobacco Products Act, 2003 (34 of 2003), the Food Safety and Standards Act 2006 (34 of 2006), the Consumer Protection Act, 2019 (35 of 2019), The Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and the Trademarks Act 1999 (47 of 1999).

(2) If any conflict arises between a provision of this Act and a provision of any other law for the time being in force in the whole of India or restricted to the application within the territory of any State, the provision of this Act shall prevail to the extent of such conflict.

45. Power to make rules.-

(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -
<<To be updated>>

46. Power of the Central Government to issue Guidelines.

(1) The Central Government may take all such measures, as it deems fit or expedient, by way of issuing Guidelines to fulfill the object and requirements of the act and rules:

Provided that the following Guidelines issued before the coming of this act in force shall be deemed to have been issued validly under the provisions of this section.-

(a) Guidelines for DIB Services, Order No. 8/1/99* PBC (Vol. II) dated 15.3.2001, as amended from time to time;

(b) HITS Guidelines issued by the Central Government vide Order No. 9/02/2005-BP&L (Vol. III) dated 26.11.2~), as amended from time to time;

(c) Policy guidelines for uplinking and downlinking of television channels, 2022, as amended from time to time.

(d) Policy Guidelines on Examination of FM Broadcasting Services through Private Agencies (Phase III), 2011, as amended from time to time;

(e) Policy Guidelines for setting up Community Radio Stations in India, 2006, as amended from time to time;

(f) Guidelines for provisioning of Internet Protocol Television (IPTV) Services, 2008 as amended from time to time;

(g) Guidelines for platform services offered by Multi System operators dated 30.11.2022

(h) Policy Guidelines for Television Rating Agencies in India, 2014, as amended from time to time;

(i) Guidelines for sharing of Infrastructure by Multi System Operators dated 29.12.2021.

(2) The provisions of the guidelines issued prior to coming into force, in so far as they are inconsistent with the provisions of this Act and rules, shall, to the extent of such inconsistency, be void.

47. Delegation of powers by Central Government.-

The Central Government may, by notification and subject to such conditions, limitations and restrictions as may be specified therein, delegate any of its powers or functions under this Act other than the power to make rules and the powers under Section 35 and 36, to any officer of the Central Government as may be specified in the notification.

48. Rules to be laid before Parliament.- Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may so, however, that any such modification or annulment shall be without prejudice the validity of anything previously done under that rule.

49. Power to remove difficulties.-

(1) If any difficulty arises in giving effect to the provisions of the Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty;

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

50. Savings and repeal.-

(1) All rules made or purporting to have been made or all notifications issued or purporting to have been issued under the Cable Television Network (Regulation) Act, 1995 shall, in so far as they relate to matters for which provision is made in this Act or rules made or notification issued thereunder and are not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules made or notifications issued under this Act.

(2) The Cable Television Network (Regulation) Act, 1995 (hereafter in this section referred to as the repealed enactment) shall stand repealed, on such date as may be notified by the Central Government:

Provided that the Central Government may notify different dates for the repeal of different provisions of such Act.

(3) Notwithstanding the repeal under sub-section (2),

(a) anything done or any action taken or purported to have done or taken, including any approval, notification, order or notice or issued or any appointment or declaration made or any operation undertaken or any direction given or any proceeding taken any penalty, punishment, forfeiture or fine imposed under the repealed enactments shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(b) any person appointed to any office under or by virtue of any repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act

(c) any proceedings instituted under the repealed enactments and pending immediately before the commencement of this Act before any Court shall,

subject to the provisions of this Act, continue to be heard and disposed of by the said Court.

(4) The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 made under the Information and Technology Act, 2000 shall, in so far as they relate to matters for which provision is made in this Act or rules made or notification issued thereunder and are not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules made or notifications issued under this Act.

FIRST SCHEDULE: OFFENSES AND PUNISHMENTS

1. Fine Structure Based on Category of entities.-

(1) The Maximum Fine imposable on the Major category of entities are listed in section 2 of this Schedule. Maximum Fine mentioned in section 2 of this schedule shall be restricted to **50%, 5% and 2%** respectively for the Medium, Small and Micro category of Persons under this Act.

(2) First, the category of the entities shall be determined based on turnover and investment separately. After determination of the categories, the category, which attracts higher maximum penalty, shall be applicable. If the Books of Accounts are not available for the relevant period for any reason then the court shall take decision based on the report of the Authorised officer and other relevant records.

Category of entity	**Turnover during the financial year previous to the one in which contravention is made**	**Investment as on last date of financial year previous to the one in which contravention is made**
Micro	Upto Rs 5 Crore	Upto Rs. 1 Crore
Small	More than Rs 5 Crore to 50 Crore	More than Rs. 1 Crore to 10 Crore
Medium	More than Rs 50 Crore to 250 Crore	More than Rs. 10 Crore to 50 Crore
Major	More than Rs 250 Crore	More than Rs. 50 Crore

2. Quantum of fine and term of imprisonment.- The quantum of fine and term of imprisonment for offenses under this Act, Rules or Guidelines made thereunder:

Sl. No.	**Offences**	**Fine**	**Term of Imprisonment**
1	Operating Broadcasting Networks or providing Broadcasting Services under this Act, Rules or Guidelines without Registration or after expiry of validity of the registration. Explanation.- For the purpose of this clause, Registration shall not include intimation.	Up to Rs. ten lakhs for first offence and upto Rs. fifty lakhs for subsequent offence	Up to two years for first offence and up to five years for subsequent offence
2	Providing Services other than Broadcasting services requiring registration under this Act, Rules or Guidelines without Registration or after	Up to Rs. ten lakhs for first offence and up to Rs. fifty lakhs	Up to two years for first offence and up to five

	expiry of Validity of the registration. Explanation.- For the purpose of this clause, Registration shall not include intimation.	for subsequent offence.	years for subsequent offence.
3	Obtaining Registration by an ineligible person by making misrepresentation before the Registering Authority. Explanation.- For the purpose of this clause, Registration shall not include intimation.	Up to Rs. twenty lakhs for first offence upto Rs, one crore for subsequent offence.	Up to two years for first offence and up to five years for subsequent offence
4	Furnishing incorrect information or false affidavit in connection to any proceeding under this Act, Rules or Guidelines made thereunder	Up to Rs. five lakhs for first offence and up to Rs. twenty-five lakhs for subsequent offence	Up to two years for first offence and up to five years for subsequent offence.

SECOND SCHEDULE: QUANTUM OF PENALTIES FOR DIFFERENT CONTRAVENTIONS AND REPEATED CONTRAVENTIONS.

1. Penalty Structure Based on Category of Entity.-

(1) The Maximum Penalty imposable on the Major category of entities are listed in section 2 of this Schedule. Maximum Penalty mentioned in section 2 of this schedule shall be restricted to 50%, 5% and 2% respectively for the Medium, Small and Micro category of Persons under this Act.

(2) First, the category of the entity shall be determined based on turnover and investment separately. After determination of the categories, the category which attracts higher maximum penalty, shall be applicable. If the Books of Accounts are not available for the relevant period for any reason then the decision of the Authorised officer for determination of category based material available on record shall be final.

Category of entity	**Turnover during the financial year previous to the one in which contravention is made**	**Investment as on last date of financial year previous to the one in which contravention is made**
Micro	Upto Rs 5 Crore	Upto Rs. 1 Crore
Small	More than Rs 5 Crore to 50 Crore	More than Rs. 1 Crore to 10 Crore
Medium	More than Rs. 50 Crore to 250 Crore	More than Rs. 10 Crore to 50 Crore
Major	More than Rs 250 Crore	More than Rs. 50 Crore

2. The quantum of penalty for contravention of provisions other than those related to programme code and Advertisement Code, under this Act, Rules or Guidelines:

Sl. No.	Contravention	Maximum Penalty (in lakh Rs.)	
		First Contravention	Subsequent Contravention within 3 years
1	Contravention of Section 6 of the Act related to carrying of mandatory channels	10	50
2	Contravention of provisions:- (a) 100 mandating Digital Transmission of Programmes, or/and (b) mandating Encryption of Programmes, or/and (c) infringement of Copyright by a person	100	500

3	Not maintaining the accurate and updated records of subscriber data by broadcasting service provider or network operator, including the number of subscribers and such other details as mandated by the Act, Rules or Guidelines	50	250
4	Use by any person other than individuals of a service or broadcasting network, requiring registration under this Act, Rules or Guidelines knowing or having reason to believe that such service or broadcasting network does not have the required registration	10	50
5	Gaining or attempting to gain, directly or indirectly, including through personation: (a) unauthorized access to a broadcasting network, or (b) Intercepting a broadcast unlawfully, or (c) unauthorized access to dat of a registered person or entity, such as subscriber data records etc.	150	750
6	Not taking mandatory measures specified in the Accessibility Guidelines	50	250
7	(a) Not intimating the Central Government, the names, credentials and other details of members of CEC	50	250
8	Broadcasting programmes without certification from CEC	100	500
9	Not appointing any grievance redressal officer for the purpose of receiving and hearing complaints	50	250
10	Not establishing and maintaining suitable mechanisms for the filing and redressal of complaints by the self-regulating or organization	50	250
11	Broadcasting Networks and Services (including Broadcasting services) registered under the Act, Rules or Guidelines made thereunder interferes with the authorised telecommunication systems	1000	5000
12	Broadcasting Networks and Services (including Broadcasting services) registered under the Act, Rules or Guidelines thereunder are not in conformity with standards, as may be specified by the Central Government relating to interference or equipment's to be used	1000	5000

13	Causing damage to Public Broadcasting Infrastructure	1000	5000
14	Contravention of any terms and conditions of registration by Direct to Home Operator for which no penalty or punishment is provided elsewhere.	5000	5000
15	Contravention of terms and conditions of license of the Audience management services for which no penalty or punishment is provided in this Act, Rules Guidelines.	100	500
16	Contravention of provision for Broadcasting of live events for which the penalty or punishment is provided in this Act, Rules or Guidelines.	10	50
17	Continued violation of any order or direction issued under the Act, Rules or Guidelines	1 per day	5 per day
18	Contravention of any provision of this Act or rules or Guidelines or any terms or conditions of Registration in relation to any matter for which no penalty or punishment has been specified anywhere else in this Act, Rules or Guidelines.	100	500

3. The quantum of penalty with respect to the violation of programme code and Advertisement code under the Act, Rules or Guidelines: -

Sl. No.	Contravention	By	Penalty
A	**B**	**C**	**D**
1	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Satellite Broadcasters	(i) For the first contravention, upto one lakh rupees (ii) For the subsequent contravention, upto five lakh rupees
2	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	OTT broadcasting service operators	(i) For the first contravention, upto twenty thousand rupees (ii) For the subsequent contravention, upto one lakh rupees
3	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Radio Network operators	(i) For the first contravention, upto twenty thousand rupees (ii) For the subsequent contravention, upto two lakhs fifty thousand rupees

4	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Terrestrial network operators	(i) For the first contravention, upto fifty thousand rupees (ii) For the subsequent contravention, upto two lakhs fifty thousand rupees
5	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Any other person	(i) For the first contravention, upto twenty thousand rupees (ii) For the subsequent contravention, upto two lakhs fifty thousand rupees